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August 12, 2016

Honorable Ronnie Abrams
United States District Judge
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: United States v. Jason Galanis,
16 Cr. 371 (RA)

Dear Judge Abrams,

Upon review of the financial affidavit Jason Galanis submitted today seeking Criminal Justice Act representation, the Court appointed me to represent him. After Court, the prosecutor asked the court deputy for a copy of the affidavit and I objected. I write to urge the Court to deny the government's request.

The financial affidavit is filed with the Court pursuant to a defendant's request for appointment of CJA counsel and is not a public document. The Judicial Conference Committee on Court Administration and Case Management has issued guidance on privacy, and access to, documents filed in criminal cases:

The following documents *shall not be included in the public case file* and should not be made available to the public at the courthouse or via remote electronic access:

...

• *financial affidavits filed in seeking representation* pursuant to the Criminal Justice Act[.]¹

Absent other authority, the government is not entitled to Mr. Galanis' financial affidavit because it is not a part of the public case file. The prosecution has not indicated any authority that would entitle them to access to a protected, confidential document. It appears that the government seeks the affidavit with a view toward challenging the assignment of counsel, in order to investigate and seize assets, or as tool for potential prosecution. In requesting the affidavit, Rebecca Mermelstein referred to the Court's statement that Mr. Galanis had the ability to correct information therein, as if the Court were suggesting that the government should

¹ See, Fed. R. Crim. P. 49.1, Committee Notes on Rules-2007, *quoting* "Guidance for Implementation of the Judicial Conference Policy on Privacy and Public Access to Electronic Criminal Case Files" (March 2004)(emphasis added).

inquire into the validity of the affidavit. I do not believe that was the Court's intent and think it unlikely that the Court would have appointed counsel if there were doubt about his Mr. Galanis' eligibility.

Therefore, as the government has failed to provide authority for access to Mr. Galanis' confidential financial affidavit, I move that Court deny the request. In the event that the prosecution makes a formal application for the affidavit, I ask leave to respond to that application when I return from vacation in September, 2016.

Respectfully submitted,

Lisa Scolari

SO ORDERED

Hon. Ronnie Abrams

cc: Rebecca Mermelstein, and Brian Blais, Esq.s
via ECF